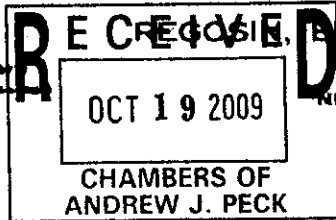


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USDC SDNY  
DOCUMENT  
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DOCS

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October 19, 2009

DATE FILED: 10/20/09

Hon. Andrew J. Peck  
United States District Court  
Chief Magistrate Judge  
Southern District of New York  
500 Pearl Street, Room 1370  
New York, New York 10007  
Sent by Fax to: (212) 805-7933

**MEMO ENDORSED**

Re: Natural Gas Commodity Litigation  
New York Southern District Court File No.: 03 CV 6186(VM)(AJP)  
Hon. Victor Marrero, USDJ  
Chief Magistrate Judge Andrew Peck

Dear Hon. Judge Peck:

This office represents Settlement Class Member Mark Nordlicht who was assigned Settlement Class Member Claimant No. 600195 in the above matter in connection with his loss of approximately \$16,000,000.00.

For the past period of more than three years I have been in correspondence with Plaintiffs' counsels and with Tom Fauscher of the Administrator's office, in Mark Nordlicht's behalf, and they have all acknowledged my representation of Mark Nordlicht for the past three years.

In fact,- on June 4, 2007 I received responsive correspondence from Christopher Lovell of Lovell, Stewart, Halebian, LLP confirming that they "anticipate having a draft of the Plan of Allocation by the end of July...", and that they agreed therein that they "will provide you (me) with a draft of the Plan of Allocation before it is submitted to the Court."

With that agreed cooperation in hand, I did not move to Intervene in Mark Nordlicht's behalf,- because I believed that I had virtual intervention status from the agreement reached with Lovell, Stewart, Halebian, LLP.

Unfortunately,- notwithstanding numerous correspondence, conversations and follow up,- I was not allowed any input into the proposed Plan of Allocation as it was being negotiated, nor prior to it being submitted to the Court,- despite the aforesaid assurance.

I was just advised in correspondence dated October 15, 2009 from Ian Stoll of Lovell, Stewart, Halebian, LLP that,- despite my client's losses of approximately \$16,000,000.00,- Mr.

REGOSIN, EDWARDS, STONE & FEDER

Hon. Andrew J. Peck  
October 19, 2009

Page 2

Nordlicht is nonetheless currently itemized as scheduled to receive approximately \$655,854.23 as his return under the current proposed Plan of Allocation,- less than 5% of his losses.

Further,- despite my request for information as to the underlying Expert Opinions upon which the proposed Plan was based,- or for information as to which of the many subdivisions thereof my client's losses were placed,- and why those allocations were made,- I have been unable to receive any information.

In response to my request,- Ian Stoll of Lovell, Stewart, Halebian, LLP confirmed to me in his letter dated October 16, 2009 that the "Co-lead Counsel do not oppose your (my) appearing on behalf of Mark Nordlicht as an intervening party" in the Action, and that my firm will then be able to receive some of the requested information ("Confidential Materials") as the attorneys for Mark Nordlicht as an Intervenor once I then "execute the Protective Order."

I enclose herewith a copy of Ian Stoll's October 16, 2009 letter confirming the consent of the Plaintiffs' to Mark Nordlicht's Intervention, and I respectfully request that the Court authorize said appearance expeditiously so that I might have time to then "execute the Protective Order" and obtain the requested information and comment on it in Mark Nordlicht's behalf.

Respectfully submitted,

REGOSIN, EDWARDS, STONE & FEDER

By: \_\_\_\_\_

Saul E. Feder, Esq.

SEF/rc  
Encl.

cc: Geoffrey M. Horn, Esq. (Sent by Fax to: 914-997-0035)  
Bernard Persky, Esq. (Sent by Fax to: 212-818-0477)  
Christopher S. Lovell, Esq. (Sent by Fax to: 212-719-4677 and  
by e-mail to: istoll@lshllp.com)  
Douglas G. Thompson, Esq. (Sent by Fax to: 202-337-8090)  
Steven R. Goldberg, Esq. (Sent by Fax to: 212-845-5102)  
Robert B. Wolinsky, Esq. (Sent by Fax to: 202-637-5910)

**MEMO ENDORSED**

*Intervention granted for the limited purpose of  
obtaining records in support of the proposed Plan of  
Allocation. The Court's intervention is denied,  
for a more formal request.*

**BY ECF**

SO ORDERED:

Hon. Andrew J. Peck  
United States Magistrate Judge

*CMR/EP: [Signature]  
Mr. Peck (for), Judge [Signature]*

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October 16, 2009

*By Electronic Mail*  
SFeder@resflaw.com

Saul E. Feder, Esq.  
Regosin, Edwards, Stone & Feder  
225 Broadway  
New York, New York 10007

Re: *In re Natural Gas Commodity Litigation*, 03 CV 6186 (VM)(AJP)

Dear Mr. Feder:

We are writing in response to your letter of today's date.

Please note that we provided you with the Affirmation of Dr. Craig Pirrong, dated October 6, 2009 ("Pirrong Affirmation"), by email on October 14 and 15. We are again attaching a copy of the Pirrong Affirmation, annexed to Plaintiffs' Motion for Preliminary Approval of the Plan of Distribution, dated October 13, 2009.

Our reading of the Stipulation and Protective Order ("Protective Order") is that confidential materials shall only be provided to specified persons. See Protective Order, ¶ 2. A copy of the Protective Order is attached.

Co-Lead Counsel do not oppose your appearing on behalf of Mark Nordlicht as an intervening party. If and when he becomes an intervenor, Mr. Nordlicht and his counsel could execute the Protective Order (as did, for e.g., Steven Goldberg and his client).

Thank you.

Sincerely,



Ian T. Stoll

# ECF TRANSCRIPTION SHEET



**ANDREW J. PECK  
UNITED STATES MAGISTRATE JUDGE  
UNITED STATES DISTRICT COURT**

**Southern District of New York  
United States Courthouse  
500 Pearl Street, Room 1370  
New York, N.Y. 10007-1312**

**Fax No.: (212) 805-7933  
Telephone No.: (212) 805-0036**

**Dated: October 20, 2009**

**Total Number of Pages: 4**

## **TRANSCRIPTION OF MEMO ENDORSED ORDER**

**Intervention granted for the limited purpose of obtaining access to information pursuant to the Confidentiality Order. If further intervention is desired, file a more formal application.**

**Copies to: Saul E. Feder, Esq. (Fax)  
Judge Victor Marrero**